

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for considering the present application, for courtesies extended during the telephone interview conducted on February 9, 2007, and for indicating that claims 13 and 14 are allowable.

**Disposition of Claims**

Claims 2-4 and 6-10 are currently pending in this application. Claims 2, 4, and 6-10 are independent. Claim 3 depends from claim 2. Claims 13 and 14 are allowed.

**Claim Amendments**

Claims 2-4 and 6-10 have been amended to clarify the invention and correct minor informalities. Support for the amendments may be found, for example, on page 13, lines 5-13 of the present application. No new matter has been added by any of the aforementioned amendments.

**Claim Objection**

Claim 2 was objected to because of an informality. Accordingly, claim 2 has been amended to remove the informality as suggested by the Examiner. Thus, withdrawal of the objection is respectfully requested.

**Rejections under 35 U.S.C. § 112**

Claims 2-4 stand rejected under 35 U.S.C. § 112, paragraph 2. To the extent that the rejection applies to the amended claims, the rejection is respectfully traversed. Independent

claims 2 and 4 have been amended to replace “a printer” with “the printer.” Support for these amendments may be found, for example, in the original claims. Accordingly, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. § 101**

Claim 7 stands rejected under 35 U.S.C. §101 as the Examiner asserts this claim is directed to non-statutory subject matter. Claim 7 has been amended to recite “a computer-readable medium comprising a program product,” as suggested by the Examiner. Accordingly, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. § 102**

Claims 2-4 and 6-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,184,996 (“Gase”). To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

The following is an example of an embodiment. Turning to the example, Figure 4 illustrates a sequence diagram which explains an operation of the print system according to this embodiment. As shown in Figure 4, the client computer (2) sends a print request detailing the user’s preferences (*i.e.*, type of peripheral device) to a printer (1). Subsequently, the printer (1) sends an acquisition request to the designated peripheral device (3) after accepting and interpreting the print request.

After the designated peripheral device (3) accepts the acquisition request sent from the printer (1), the peripheral device (3) captures data by performing specific functions in accordance with conditions necessary for the acquisition. Said another way, if the peripheral device (3) is, for example, a scanner, the device (3) scans a manuscript and converts it into a given data format. In other words, in this embodiment, the *data captured* by the scanner is *not stored in memory prior to*

*the print request.* Specifically, once the print request is received, the scanner proceeds to scan the manuscript to capture the data. Thus, the *captured data does not exist prior to the peripheral device receiving direction from the printer.* Following capture, the data is sent to the printer (1) which initiated the acquisition request for printing. Hence, in this embodiment, the *printer (1)* is capable of *directly receiving the print data from the peripheral device*, eliminating indirect receipt of the print data via client computer (2). Advantageously, because data may be sent directly from the peripheral device to the printer, the network load may be reduced with the elimination of indirect flow of print data. (see Present Specification, FIG. 4 and accompanying text). As used herein, data refers to electronic data.

Turning to the rejection, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (see MPEP § 2131). The Applicant respectfully asserts that Gase fails to disclose all the limitations of amended independent claims 2, 4, and 6-10.

In particular, amended independent claim 2 recites, *inter alia*, “a printer connected to a network...wherein the printer, upon receiving the new print request, directs the peripheral device to capture the data; wherein the *data captured does not exist prior to the peripheral device receiving direction from the printer*; and wherein the peripheral device sends the data captured in response to the request from the printer, to the printer for printing.” The aforementioned limitations explicitly require that the peripheral device *capture data that does not previously exist* after receiving and *in response to direction from a printer following a new print request*. Gase is completely silent with respect to at least the aforementioned limitation as required by amended independent claim 2.

Rather, Gase is directed to a method for enabling remote client processors to control print jobs that are queued for printing on a network printer. Specifically, Gase discloses, as asserted by the Examiner, “a Browser Procedure where a client processor submits a print request (*i.e.*,

URL designating print job) to the printer. The URL is then added to a list of URL's in the printer's print queue. When the URL is reached in the queue, the printer directs the browser to transmit a request to the client processor corresponding to the URL. In response, the client processor *accesses stored data from its own memory* and transfers the data to the printer to be printed," (see Office Action mailed on November 9, 2006, p. 3). In other words, Gase discloses sending a print request (*i.e.* URL) to the printer *after* storing data to be printed in memory. To that end, once the aforementioned URL is reached in the printer's print queue, the stored data is retrieved from the client processor. Thus, it is clear that the print data, as disclosed by Gase, already exists before and at the time the printer requests data from the client processor.

Further, the Examiner equates "capturing data" as disclosed in the claimed invention with "accessing data from memory" as taught by Gase. However, as discussed previously and required by amended claim 2, captured data does not exist prior to receiving direction from the printer, and thus, accessing data from memory cannot possibly be equivalent to capturing data. Accordingly, Gase is completely silent with respect to a peripheral device that captures data, wherein the *captured data does not exist prior to receiving the print request* as recited by amended independent claim 2.

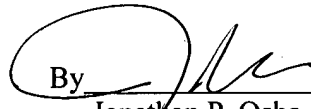
In view of the above, amended independent claim 2 is patentable over Gase for at least the above reasons. Amended independent claims 4 and 6-10 include similar patentable limitations as amended independent claim 2, and thus, are patentable over Gase for at least analogous reasons to those set forth above with respect to claim 2. Dependent claim 3 is also patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04783/012001).

Dated: February 9, 2007

Respectfully submitted,

By   
Jonathan P. Osha  
Registration No.: 33,986  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant